

## **EXHIBIT 11**

## Feigenbaum, Steven

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**From:** Gerard Filitti [gfilitti@osenlaw.com]  
**Sent:** Friday, June 28, 2019 1:37 PM  
**To:** Feigenbaum, Steven  
**Cc:** Adams, Haley; William Friedman  
**Subject:** RE: BNYM

Steve,

Thank you for agreeing that BNY will supplement the spreadsheets it has produced to include the data from SWIFT fields 20 and 21 of the underlying transactional messages. Please let me know when we can expect BNY's supplemental production.

Given BNY's refusal to produce unredacted documents and provide details concerning the entities it searched for and the search terms it used, there is no need to wait for our next status update to provide the Court with a briefing schedule. We propose July 26 as the date for BNY's opposition, and August 16 for plaintiff's reply.

Of course, this briefing schedule would be unnecessary if BNY agrees to comply with the *Gill* and *Hake* subpoenas in their entirety by producing all responsive records by Friday, July 12, 2019.

Please let me know if the proposed briefing schedule works for you, and we will advise the Court accordingly.

Best regards,  
Gerard

Gerard Filitti  
Attorney at Law

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**From:** Feigenbaum, Steven <sfeigenbaum@katskykorins.com>  
**Sent:** Thursday, June 27, 2019 5:03 PM  
**To:** Gerard Filitti <gfilitti@osenlaw.com>

**Cc:** Adams, Haley <hadams@katskykorins.com>

**Subject:** RE: BNYM

Gerard – BNYM responds as follows to the requests made in your email below:

1. BNYM will update the three sets of spreadsheets it has produced in response to both the *Gill* and *Hake* subpoenas to include information for SWIFT fields 20 and 21.
2. At this time, BNYM will not remove the redactions, in the columns for account numbers and addresses, in its spreadsheets responsive to the *Gill* subpoenas, but remains conditionally open to doing so on a case-by-case basis. Given the large overlap between those spreadsheets and the unredacted spreadsheets produced in response to the *Hake* subpoenas, much of the redacted information has already been disclosed anyway. And as to redacted information that has not already been disclosed, to the extent you identify specific transactions for which you believe that account numbers or addresses are genuinely relevant to the *Gill* plaintiffs' judgment enforcement efforts or the *Hake* plaintiffs' efforts to obtain a judgment, BNYM will assess in good faith requests to disclose that information for the transactions in question. BNYM remains concerned about its disclosure of confidential account information of entities with which it has a correspondent or other banking relationship, and the protective order does not fully assuage its concerns in light of the provisions in the order that except plaintiffs from the obligation not to use confidential information outside the *Gill* and *Hake* proceedings.
3. BNYM will not provide a log of the entities it searched and the search terms it used. The *Gill* and *Hake* subpoenas do not call for any such logs, and it would unduly burdensome for BNYM to recreate them. Suffice it to say that BNYM conducted searches for every subject entity identified in the *Gill* and *Hake* subpoenas, and that it did not limit its search criteria in any way other than as stated in point 2 of my May 15 email as to Banks Melli, Markazi and Saderat.

Steve

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**From:** Gerard Filitti [<mailto:gfilitti@osenlaw.com>]

**Sent:** Tuesday, June 25, 2019 9:42 PM

**To:** Feigenbaum, Steven

**Cc:** Adams, Haley

**Subject:** RE: BNYM

Dear Steve,

Below are our responses to your latest email refusing to comply with the subpoenas, in a final attempt to avoid unnecessary motion practice. In order to comply with the Court's June 21, 2019 order, please let me know by Friday, June 28, 2019 if BNYM will comply with the *Gill* and *Hake* subpoenas *in their entirety* by producing all responsive records by Friday, July 12, 2019. Otherwise, we will propose a briefing schedule to you.

The Gill Subpoenas

First, as is clear from their face, the *Gill* subpoenas are **not** “subsumed, in their entirety, by the *Hake* subpoena,” as you stated in your email below. While there is *some* overlap between the subject entities identified in the *Hake* subpoena and in *one* of the *Gill* subpoenas, the *Gill* subpoenas identify a number of other unique subject entities. Accordingly, we repeat our request that BNYM make a supplemental production responsive to the *Gill* subpoenas, which BNYM received nearly two years ago. Furthermore, in order to prevent any confusion going forward, we ask that BNYM provide a log showing the entities that it searched for and the keywords, terms and connectors it used in conducting these searches, along with the databases searched. The log will also help clarify whether BNYM’s searches were complete and comprehensive.

#### SWIFT Fields 20 and 21

With respect to SWIFT message fields 20 and 21, we request that BNYM update its production by populating spreadsheets with the contents of those fields. Your stated reasons for withholding that information are unsupportable. First, the fact that other, unrelated parties have not historically requested this information is obviously irrelevant to our subpoenas. Second, BNYM’s characterization of the requested information as “internal” to BNYM is simply untrue (and irrelevant even if it were true, as that data is not privileged). Those fields are populated with information provided by a party to a transaction transmitted via SWIFT messaging (which is then processed by BNYM and other banks) in order to facilitate its processing.

According to your e-mail, “[t]o the extent there are no data in any of the paired fields identified in your email, that is likely because either no data exist or no data were provided to BNYM by the remitter...in a given wire transfer.” The absence of data in the paired fields heightens the importance of the data contained in fields 20 and 21 in order for plaintiffs to understand the flow of funds moved via these messages. These messages help plaintiffs do so even where certain information has been stripped out.

#### Redacted Data

Finally, plaintiffs yet again request that BNYM provide unredacted versions of the spreadsheets relating to the nine subject entities we identified. BNYM lacks any compelling reason to refuse to provide unredacted data, especially since both the *Hake* and *Gill* courts entered the Protective Order that BNYM agreed to. Indeed, as your e-mail acknowledges, BNYM previously produced unredacted versions of spreadsheets.

Best regards,

Gerard

Gerard Filitti  
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